

First, plaintiff has established a likelihood of success on the merits that the ad valorem tax scheme exceeds the powers of the local governmental bodies and violates the Texas Administrative Procedures Act.

Second, plaintiff has established a likelihood of success on the merits that the ad valorem tax scheme directly interferes with contractual rights of the Land Patent issued by the State of Texas, General Land office.

Third, plaintiff will suffer irreparable harm absent an injunction. The evidence submitted in the Complaint demonstrates that the ad valorem tax scheme has caused and will continue to cause substantial and irreparable harm because at no point in time have several of the defendants ever shown that a private non-commercial home was subject to the scheme. Each year property taxes are deemed due thereby depriving plaintiff of his money or, if not turned over, the property itself is put in jeopardy, both of which are direct infringements of plaintiffs' constitutional rights.

Fourth, the continued injury to the plaintiff outweighs whatever damage the proposed injunction may cause defendants; the balance of the equities and the public interest strongly favor an injunction. Defendants lack a legitimate or lawful interest in enforcing an unconstitutional act, and the harm to plaintiff has been, is, and will continue to be substantial.

For these reasons and those set forth in detail in the Complaint, the Court should issue an emergency preliminary injunction enjoining defendants from moving forward with the ad valorem tax scheme for tax year 2020 and all years moving forward to include all aspects, avenues and devices used by the defendants in the ad valorem tax scheme.

Respectfully Submitted

/s/ Michael Palma

Michael Palma
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Houston, Texas 77091
713-263-9937
Mpalma1@gmail.com

CERTIFICATE OF CONFERENCE

Because Defendants' counsel has yet to make an appearance, I have only been able to confer with those attorneys I have had the pleasure to deal with in the past. Not knowing exactly who will be handling this specific case for the defendants Palma has sent this motion and the entire case to the attorneys listed below and will wait until the morning of 4/16/2021 at 9AM before finalizing this Certificate of Conference. If no response is returned Palma will presume that it is unopposed and will update this certificate accordingly. No responses were had as of 9AM 4/16/2021.

/s/ Michael Palma
Michael Palma

CERTIFICATE OF SERVICE

I certify that the foregoing document was deposited at the Clerk's office of the Southern District of Texas in Houston Texas on April 16, 2021 and was requested to be sent with the original Complaint. If this is not possible, I certify that it was sent by certified mail, with online verification of receipt via USPS.gov on April 16, 2021 to:

1. State of Texas
Greg Abbott
William P. Clements State Office Building
300 W. 15th St.
Austin, Texas 78701
CM #7017 0190 0000 2016 8699
2. Texas Attorney General
Ken Paxton
William P. Clements State Office Building
300 W. 15th St.
Austin, Texas 78701
CM #7017 0190 0000 2016 8705
3. Harris County Appraisal District
Roland Altinger
13013 Northwest Freeway
Houston, Texas 77040
CM #7017 0190 0000 2016 8712
4. Harris County Appraisal Review Board
Ronnie Thomas
13013 Northwest Freeway
Houston, Texas 77040
CM #7017 0190 0000 2016 8729
5. Harris County Tax Assessor / Collector
Ann Harris Bennett
1001 Preston St.
Houston, Texas 77002
CM #7017 0190 0000 2016 8736
6. Texas General Land office
George P. Bush
1700 N. Congress Ave.
Austin, TX 78701-1495
CM #7017 0190 0000 2016 8743

This Motion, the full complaint and exhibits were also sent to the following attorneys via Email on 4/14/2021 and await their response to the Certificate of Conference:

Eric Farrar - efarrar@olsonllp.com

Harris County District Attorney's office - da@dao.hctx.net

Ramon Viada - rayviada@viadastrayer.com

Randall Smidt - randall.smidt@cao.hctx.net

Robert Preisler - rpreisler@hcad.org

Scott Hilsher - scott.hilsher@cao.hctx.net

Tanya Melamed Robinson - tanya.robinson@oag.texas.gov

/s/ Michael Palma
Michael Palma



Mike Palma <mpalma1@gmail.com>

Certificate of Conference attached - NEW case filed in Federal Court....4:21-cv-01210

Mike Palma <mpalma1@gmail.com>

Wed, Apr 14, 2021 at 8:59 AM

To: Eric Farrar <efarrar@olsonllp.com>, DA <da@dao.hctx.net>, Ray Viada - Viada & Strayer Law Firm <rayviada@viadastrayer.com>, "Smidt, Randall (CAO)" <randall.smidt@cao.hctx.net>, Robert Preisler <rpreisler@hcad.org>, scott.hilsher@cao.hctx.net, "Robinson, Tanya" <tanya.robinson@oag.texas.gov>

Good morning,

Please find attached a Motion for preliminary injunction as well as the full court case docketed on 4/11/2021.


As I do not know who will be representing whom in this case, all of you I have had the pleasure of knowing in the past are receiving this email, if I here no response back from you by the morning of 4/16/2021 at 9AM am the attached motion will be considered unopposed and will be filed in federal court.

Thanks much

Michael-Francis: Palma
713-263-9937

3 attachments

 **1 2021.04.13 SDT Original Petition TY 2020 4_21-cv-01210.pdf**
251K

 **1 2021.03.21 Exhibits.zip**
8820K

 **5 plaintiffs motion for injunction.pdf**
128K